

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

---

AJAX ENTERPRISES,	:	
AJAX ENTERPRISES, INC.	:	
AJEX ENTERPRISES, INC.	:	
UJEX ENTERPRISES, INC.	:	
Q-TOWN, INC.	:	
TJAX INVESTMENT CORP.	:	
	:	Civil Action No.
Plaintiffs,	:	04-4539 (NLH)
	:	

v.

DECLAN FAY, INDUSTRIAL	:	<b>ORDER</b>
INSURANCE AGENCY, AND JOHN	:	
DOES 1-100,	:	
Defendants,	:	

---

DECLAN FAY,	:
Defendant/Third	:
Party Plaintiff	:

v.

INSURANCE AGENCY	:
Cross Claim	:
Defendant	:
DALE FULLER, SAFETY ALLIANCE	:
GROUP, and INDUSTRIAL	:
Third Party	:
Defendants	:

---

INDUSTRIAL INSURANCE AGENCY	:
Defendant/Third	:
Party Plaintiff	:

v.

DECLAN FAY	:
Cross Claim	:
Defendant	:
DALE FULLER, SAFETY ALLIANCE	:
GROUP, ROBERT MITCHELL, PEO	:
SOLUTIONS, and RKM AGENCY	:
Third Party	:
Defendants	:

---

**APPEARANCES:**

Andrew L. Indeck, Esq.  
Scarinci & Hollenbeck, LLC  
1100 Valley Brook Avenue  
PO Box 790  
Lyndhurst, NJ 07071  
*Attorney for Ajax Enterprises, Ajax Enterprises, Inc., Ajex Enterprises, Inc., Ujex Enterprises, Inc., Q-Town, Inc. and Tjax Investment Corp.*

Christopher Philip Leise, Esq.  
White & Williams, LLP  
Liberty View  
457 Haddonfield Road  
Suite 400  
Cherry Hill, NJ 08002-2220  
*Attorney for Declan Fay*

Evelyn Cadorin Farkas, Esq.  
David C. Donohue, Esq.  
Farkas & Donohue, LLC  
389 Passaic Avenue  
Fairfield, NJ 07004  
*Attorneys for Industrial Insurance Agency*

**HILLMAN, District Judge**

For the reasons expressed in this Court's Opinion entered on this date,

**IT IS HEREBY ORDERED** this 31st day of August, 2007, that:

(1) Defendants' motion for summary judgment [53] is granted in part and denied in part;

- a. request to dismiss plaintiffs' claims under the doctrine of unclean hands is **DENIED**;
- b. request to dismiss plaintiffs' claim for damages regarding reimbursement for payments plaintiffs made to claimants that fell below the \$100,000.00

deductible is **GRANTED**;

c. request to dismiss plaintiffs' claim for damages regarding the premiums it paid to Safety Alliance is **DENIED**.

d. request to dismiss plaintiffs' claim for attorneys' fees is **DENIED**.

(2) Plaintiffs' cross motion for summary judgment is granted in part and denied in part:

a. request to declare Safety Alliance did not exist as an insurance company during the relevant time period is **GRANTED**;

b. request to grant summary judgment in plaintiffs' favor and find that defendants acted as brokers and breached their duty to plaintiffs is **DENIED**.

s/Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.

At Camden, New Jersey